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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,665	07/19/2001	Shigeki Yamakawa	401303	6965

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EXAMINER	
CHIN, PAUL T	
ART UNIT	PAPER NUMBER

3652

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/889,665	YAMAKAWA, SHIGEKI	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 July 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    6) Other:

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. **Figures 5 and 6** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to because the drawings are confusing. For example, on **page 3, line 1-2**, applicant describes that "Fig. 2 is a vertical sectional view of an elevator system of the first embodiment of the present invention." Figure 1 shows that the "control panel (6)" is located on top of the hoistway whereas figure 2 shows that the "control panel (6)" is located between the landing floors.

Moreover, applicant describes on **page 3, lines 3-4** that "Fig. 3 is a vertical sectional view of an elevator system of the second embodiment of the present invention." It appears that Figure 3 is not a second embodiment as the applicant describes. Actually, the figure 3 shows that the "control panel (6)" is located on top of the hoist way, which is similar to Figure 1. However, the figures 1 and 3 are not identical. The "hoist (3)" of figure 1 is an angle to a wall of the hoist way whereas the "hoist (3)" of figure 3 is parallel to a wall of the hoist way.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: the reference number of

Art Unit: 3652

the “protrusion” (claim 1, line 3, and page 5, line 23) is neither mentioned in the specification nor shown in the drawings. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: “Elevator Apparatus with Control Panel Located Within Elevator Hoistway” or the appropriate title.

***Claim Objections***

6. Claim 4 is objected to because of the following informalities: it appears that “a” (claim 4, line 1) before “vertical” should be changed to – said – since the “vertical moving member” is already described in claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3652

8. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The phrase "*said control panel at least partly overlaps a projected region of said vertical moving member moving member door mechanism ... .... above a highest position of said vertical moving member within said hoistway*" (see **claim 4, lines 3-6**) is not clearly understood as to how the "control panel" partly overlaps the "projected region of the vertical moving member door mechanism." Figure 3 shows the elevator car at the highest position (19) within the hoistway. However, either figure 1 or figure 3 shows the "control panel" partly overlaps the "*projected region of the vertical moving member door mechanism*." Neither the phrase "*the projected region of the vertical moving member door mechanism*" is mentioned in the specification.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "*the control panel ... ....overlapping with a projecting region of said protrusion, projected in the direction of movement of said vertical moving member*" (**claim 1, lines 6-8**) is not clearly understood as to how the "control panel" is "overlapping with a projecting region of the protrusion. Moreover, it is not clearly understood as to how the "control panel" is projected in the direction of the movement of the moving member.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Namba et al. [6,230,846]** in view of the Japanese Patent [JP 2000,159,453].

**Namba et al. [6,230,846]** discloses an elevator system comprising a hoistway (1) including a hoistway wall and a bottom portion; an elevator car (2) with a door mechanism (see Fig. 1) for engaging the landing door in the hoistway; and a control panel (12) for controlling the movement of the car wherein the control panel being disposed within the hoistway. Namba et al.'s elevator system does not show the hoistway having *a protrusion projecting from the hoistway wall*.

However, the Japanese Patent [JP 2000,159,453] discloses an elevator system having a hoistway including *a protrusion* (see Fig. 6) projecting from the hoistway wall; and *a control panel* (NF, CB) (see Fig. 3) *located above an opening* in the hoistway and located above the landing floor door. Accordingly, it would have been an obvious design choice to provide *a hoistway including a protrusion* (see Fig. 6) projecting from the hoistway wall showing complete floor plan and *the location of the control panel* on the Namba et al.'s elevator system as taught by the Japanese Patent [JP 2000,159,453] to locate *the control panel above an opening* in the hoistway and *above the landing floor door* so that a mechanic or a maintenance person can access the control panel without effort. It is also pointed out that it would have been an obvious

Art Unit: 3652

design choice to conveniently locate *the control panel under the projected region of the protrusion* (see Fig. 6 of the Japanese Patent) on the Namba et al.'s elevator system so that the rearrangement of the control panel would facilitate to repair or install for a mechanic or a maintenance person.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamakawa et al. [US 6,230,845] shows a movable control panel for elevators. Rohanna [US 4,438,831] shows a control panel (44) installed on the elevator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

ptc

PTC  
September 20, 2002



CHRISTOPHER P. ELLIS  
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